

JUN 28 2004

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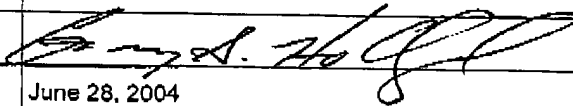
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DATE: June 28, 2004	
PTO IDENTIFIER:	Application Number 09/761,969 Patent Number Inventor: Garrity et al.
TO: Examiner Cook, GAU 1641 FAX NUMBER: 703-872-9306	
FROM: Greg S. Hollrigel PHONE: 949-450-1750 Attorney Dkt. #: A1712	
PAGES (Including Cover Sheet): <u>15</u>	
CONTENTS: 1. Transmittal Form; 2. Fee Transmittal (in duplicate); and 3. Amendment (11 pages).	
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/761,969
		Filing Date	January 16, 2001
		First Named Inventor	Garrity
		Group Art Unit	1641
		Examiner Name	Cook, L.V.
Total Number of Pages in This Submission	15	Attorney Docket Number	A1712


ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) 1. Facsimile Cover Page.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Greg S. Hollrigel Registration No. 45,374
Signature	
Date	June 28, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO at fax number 703-872-9306, or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Greg S. Hollrigel		
Signature		Date	June 28, 2004

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ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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SUBMITTED BY Name (Print/Type): Greg S. Hollrigel Signature: 		Complete (if applicable) Registration No. (Attorney/Agent): 45,374 Telephone: 949-450-1750 Date: June 28, 2004																																																																																																																																																																																			

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*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		<i>Complete (if applicable)</i>	
Name (Print/Type)	Greg S. Hollrigel	Registration No. (Attorney/Agent)	45,374
Signature		Telephone	949-450-1750
		Date	June 28, 2004

JUN 28 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/761,969
Applicant : Garrity et al.
Filed : January 16, 2001
Title : VITAMIN D ASSAY

Confirmation No. 5878

TC/A.U. : 1600/1641
Examiner : Cook, L.V.

Docket No. : A1712
Customer No. : 33197

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

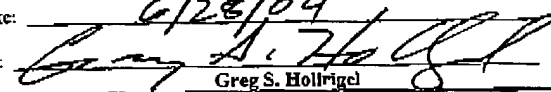
CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to fax number 703- 872-9306, on the date indicated below.

Date:

6/28/04

By:



Greg S. Holtrigel

SUPPLEMENTAL AMENDMENT IN RESPONSE TO JULY 15, 2003 OFFICE ACTION

Dear Sir:

This Supplemental Amendment is being submitted in response to the July 15, 2003 Office Action issued by the United States Patent and Trademark Office regarding the above-identified application, and in response to the recent conversations with Examiner Cook and Applicant's undersigned representative. A response to the Office Action was filed on October 15, 2003. Further to the amendment filed October 15, 2003, please amend the subject application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.